UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO EASTERN DIVISION (COLUMBUS)

Case No. 2:16-cy-00612 R. ALEXANDRA ACOSTA,

Secretary of Labor, U.S. Department of

Labor,

v.

Judge James L. Graham

Magistrate Judge Vascura Plaintiff,

NOTICE OF APPEAL

THOMAS E. POTTS, JR., et al.,

Defendants.

Notice is hereby given that Defendants Thomas E. Potts, Jr. and Fiduciary Trust Services, Inc., the defendants in the above-named case, hereby appeal to the United States Court of Appeals for the Sixth Circuit from the Order Granting Intervenor Plaintiff Gemini Insurance Company's Motion for Summary Judgment (Doc. 102) entered in this action on July 15, 2020.

August 10, 2020 Respectfully submitted,

/s/ Jerry S. Sallee

Jerry S. Sallee (#0013303) Sarah E. Abbott (#0086099) Dinsmore & Shohl LLP 255 East Fifth Street **Suite 1900**

Cincinnati, Ohio 45202 (513) 977-8200 - Phone (513) 977-8141 – Fax jerry.sallee@dinsmore.com sarah.abbott@dinsmore.com

Attorneys for Defendants Thomas E. Potts, Jr. & Fiduciary Trust Services, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2020, I electronically filed the foregoing with the Clerk of Courts using the CM/ECF system which will send notification to all parties of record.

David W. Walulik Frost Brown Todd LLC 3300 Great American Tower 301 East Fourth Street Cincinnati, OH 45202

Matthew M. Scheff United States Department of Labor Office of Solicitor 1240 East Ninth St., Room 881 Cleveland, OH 44199

Bruce C. Canetti United States Department of Labor Office of the Solicitor 230 S. Dearborn Street, Room 844 Chicago, IL 60604

> /s/ Jerry S. Sallee Jerry S. Sallee